

the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service. The U.S. Marshal shall not disclose Defendants' home addresses to the *pro se* incarcerated Plaintiff and shall file any document containing such addresses under seal.

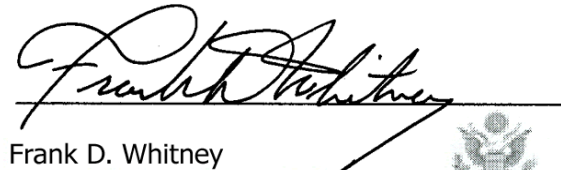
With regards to FNU Smith, NC DPS has been unable to determine which individual with the last name of Smith that Plaintiff wishes to sue. Plaintiff is instructed to file a Notice within **ten (10) days** of this Order providing any and all information about FNU Smith to assist NC DPS to identify the individual against whom Plaintiff intends to proceed. Plaintiff is cautioned that failure to comply may result in dismissal of the claims against FNU Smith. Within **14 (fourteen) days** after Plaintiff's Notice is filed, NC DPS shall file a Waiver of Service or a Notice pursuant to LCvR 4.3 for FNU Smith.

IT IS THEREFORE ORDERED that:

- (1) The U.S. Marshal shall use all reasonable efforts to locate and obtain service on Defendants **Boney** and **Heh** at their home addresses. If the U.S. Marshal is unable to obtain service on Defendants Boney and Heh, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service.
- (2) The Clerk is respectfully instructed to mail a copy of the Complaint, (Doc. No. 1), the Sealed Notice containing Defendants' last known addresses, (Doc. No. 22), and this Order to the U.S. Marshal.
- (3) Plaintiff is instructed to file a Notice within **ten (10) days** of this Order providing any and all information about **FNU Smith** to assist NC DPS to identify the individual against whom Plaintiff intends to proceed. Plaintiff is cautioned that failure to provide this information may result in dismissal of the claims against FNU Smith.

- (4) NC DPS shall file, within **14 (fourteen) days** of Plaintiff's Notice, a Waiver of Service or a Notice pursuant to LCvR 4.3(c)(2) for Defendant **FNU Smith**.

Signed: September 28, 2018


Frank D. Whitney
Chief United States District Judge

